IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.2.2005

CORAM:

THE HONOURABLE MR.MARKANDEY KATJU, THE CHIEF JUSTICE

AND

THE HONOURABLE MR. JUSTICE D.MURUGESAN

W.A. No. 1966 of 2004
and
W.A.M.P.No.3667 of 2004

The Management of
M/s.United India Shoe Corporation Pvt. Ltd.,
M.C.Road, Solur, Ambur,
Vellore District. .. Appellant/Petitioner

Vs.

1. The Presiding Officer,
   Labour Court, Vellore.

2. C.Ramalingam ..Respondents/Respondents

Appeal under clause 15 of the Letters Patent against the order of this Court passed in W.P.No.5850 of 1996 dated 27.1.2004.

For Appellant :: Mr.V.Ayyadurai for
Mr.D.Vijayakumar.

For Respondents :: Mr.E.Srinivasan for R-2

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JUDGMENT
(Judgment of the Court was delivered by
The Hon'ble Chief Justice.)

This writ appeal has been filed against the impugned judgment of the learned single Judge dated 27.1.2004. We have heard learned counsel for the parties.

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2. The second respondent was employed in the service of the appellant. He was charge sheeted on charges of theft and pasting of posters in the toilet. After enquiry the enquiry officer found him guilty and he was dismissed from service. He raised an industrial dispute, which was referred to the Labour Court, which found that the charge of theft was not proved.

3. After the insertion of section 11-A in the Industrial Disputes Act, the Labour Court has a right to sit in appeal over the findings of the enquiry officer which it earlier could not do. Hence the Labour Court can re-assess and re-appreciate the evidence and it has done so in this case. The findings of the Labour Court are findings of fact and we cannot interfere with the findings of fact in writ jurisdiction.

4. Learned counsel for the appellant then submitted that the Labour Court has not set aside the findings on the charge of pasting posters in the toilet. A perusal of the award of the Labour Court shows that the Labour Court has observed that this charge appears to be very trivial.

5. On the facts of the case, while we dismiss this writ appeal we give a warning to the workman concerned not to commit such acts in future. No costs. Consequently WAMP No.3667/2004 is also dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Presiding Officer,
Labour Court, Vellore.

One cc to Mr.E.Srinivasan, Advocate SR.No.9104.

One c to Mr.D.Vijayakumar, Advocate SR.9200.

W.A. NO. 1966 OF 2004

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